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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 10/675,857  | 09/30/2003  | Petteri Saarinen     | 944-001.116/NC28816US      | 4619             |
| 4955 7590 04/05/2007<br>WARE FRESSOLA VAN DER SLUYS &<br>ADOLPHSON, LLP<br>BRADFORD GREEN, BUILDING 5<br>755 MAIN STREET, P O BOX 224<br>MONROE, CT 06468 |             |                      | EXAMINER<br>WINTER, JOHN M |                  |
|   |             |                      | ART UNIT<br>3621           | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE  |             | MAIL DATE            | DELIVERY MODE              |                  |
| 3 MONTHS  |             | 04/05/2007           | PAPER                      |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/675,857

Applicant(s)

SAARINEN ET AL.

Examiner

John M. Winter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48, 63, 67, 68 and 72-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-19, 35, 36, 39, 42-48, 64 and 69-71 is/are rejected.
- 7) ☒ Claim(s) 14, 20-34, 37, 38, 40, 41, 63, 67, 68 and 72-74 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-48,63,67,68 and 72-74 are drawn to an active ticket, classified in class 705 subclass 1.
  - II. Claims 49-62, 65, 66 and 71 are drawn to a ticket that has been activated for use, classified in class 705 subclass 5.

Inventions I, and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed in invention II does not require the particulars of the subcombination as claimed in invention I such as activation of the ticket.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Examiner notes that it would be a burden to search multiple inventions given their separate status in the art as noted above.

The requirement is deemed proper and therefore made FINAL.

Via the paper filed on January 11, 2007 the applicant has elected the examination of invention I directed towards claims 1-48,63,67,68 and 72-74. Affirmation of this election must be made by applicant in replying to this Office action. Claims 49-62, 65, 66 and 71 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Claims 1-48,63,67,68 and 72-74 have been examined

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2,4-10,13,15-19,35,36,39,42,43,45-48,64,69,70 and 71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "characterized in.." this limitation is vague and indefinite, no limitation is imposed upon the claimed invention.

Claims 2,4-10,13,15-19,35,36,39,42,43,45-48,64,69,70 and 71 contain similar limitations.

See e.g. MPEP §2106 II C: "Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.] " As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Lee (US Patent 2002/0111909) in view of Izumoto (US Patent Application Publication 2002/0004762)

As per claim 1,  
Lee ('909) discloses a method for providing an active ticket in a mobile terminal for use by a mobile terminal user,  
characterized in that at least one active ticket has a ticket characteristic  
dynamically changes based on one or more states in a life cycle of the active ticket.  
(Paragraph 39)

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Lee ('909) does not explicitly disclose providing a host operating system. Izumoto ('762) discloses providing a host operating system (paragraph 114). It would be obvious to one having ordinary skill in the art at the time of the invention to combine Lee ('909) method with Izumoto ('762)'s teaching in order to allow a user to interact with the device.

Claim 42 is in parallel with claim 1 and is rejected for at least the same reasons

As per claim 2,  
Lee ('909) discloses a method according to claim 1,  
wherein dynamic changes to the ticket characteristic include multimedia changes or other presentation data, including text, sound, animation, video, still pictures, or some combination thereof.(Paragraph 39)

Claim 43 is in parallel with claim 2 and is rejected for at least the same reasons

As per claim 3,  
Lee ('909) discloses a method according to claim 1,  
wherein the one or more states in the life cycle include a state of being either purchased, validated, invalidated, template, pre-valid, prepared, or some combination thereof for one or more different events. (Paragraph 41-42)

Claim 44 is in parallel with claim 3 and is rejected for at least the same reasons

As per claim 4,  
Lee ('909) discloses a method according to claim 1,  
wherein the ticket characteristic dynamically changes based on a payment by the user of the mobile terminal. (Paragraphs 38-39)

Claim 45 is in parallel with claim 4 and is rejected for at least the same reasons

As per claim 5,  
Lee ('909) discloses a method according to claim 1,  
wherein the ticket characteristic dynamically changes based on a predetermined time, status or combination thereof. (Paragraphs 38-39)

Claim 46 is in parallel with claim 5 and is rejected for at least the same reasons

As per claim 6,  
Lee ('909) discloses a method according to claim 1,  
wherein the ticket characteristic dynamically changes based on a predetermined or changing geographic location. (Paragraphs 38-39)

Claim 47 is in parallel with claim 6 and is rejected for at least the same reasons

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As per claim 7,  
Lee ('909) discloses a method according to claim 1,  
wherein the ticket characteristic dynamically changes based on a purchase transaction  
between a user of the mobile terminal and a ticket service provider. (Paragraphs 38-39)

Claim 48 is in parallel with claim 7 and is rejected for at least the same reasons

As per claim 8,  
Lee ('909) discloses a method according to claim 1,  
wherein a ticket service provider provides future ticket characteristic information to the  
mobile terminal that determines and/or activates the ticket characteristic. (Paragraphs 38-39)

As per claim 9,  
Lee ('909) discloses a method according to claim 8,  
wherein the ticket characteristic information includes ticket characteristic control data, a  
ticket characteristic algorithm, a new set of ticket related media or a combination thereof.  
(Paragraphs 38-39)

As per claim 10,  
Lee ('909) discloses a method according to claim 9,  
wherein the ticket characteristic control data includes new control data to change the  
ticket characteristic algorithm or other presentation data, including new parameter  
values. (Paragraphs 38-39)

As per claim 11,  
Lee ('909) discloses a method according to claim 9,  
wherein the control data is received at a certain time and/or location, or just before the at  
least one active ticket is to be used. (Paragraphs 38-39)

As per claim 12,  
Lee ('909) discloses a method according to claim 9,  
wherein the control data is sent to only legally purchased tickets based on a respective  
identification code associated with a respective mobile terminal. (Paragraphs 37-41)

***Allowable Subject Matter***

Claims 14, 20,21,22,23,24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 37,38, 40, 41,63, 67, 68, 72,73  
and 74. are objected to as being dependent upon a rejected base claim, but would be allowable if  
rewritten in independent form including all of the limitations of the base claim and any  
intervening claims.

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### *Conclusion*


Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Also in accordance with *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002), the Examiner finds that Nathan J. Muller's Desktop Encyclopedia of the Internet, ("Desktop Encyclopedia") is additional evidence of what is basic knowledge or common sense to one of ordinary skill in this art. Muller's Desktop Encyclopedia is a practical reference that clearly explains Internet services, applications, protocols, access methods, development tools, administration and management, standards, and regulations. Because of the reference's basic content (which is self-evident upon examination of the reference) and after further review of the entire record including the prior art now of record in conjunction with the factors as discussed in MPEP §2141.03 (where practical), the Examiner finds that the Desktop Encyclopedia is primarily directed towards those of low skill in this art. Because the reference is directed towards those of low skill in this art, the Examiner finds that one of ordinary skill in this art must—at the very least—be aware of and understand the knowledge and information contained within the Desktop Encyclopedia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter  
Patent Examiner -- 3621

KAMBIZ ABDI  
PRIMARY EXAMINER

